

October 29, 2018

- Strategic Goals: (1) Ensure that Vermont's public education system operates within the framework of high expectations for every learner and ensure that there is equity in opportunity for all.*
- (2) Ensure that the public education system is stable, efficient, and responsive to changes and ever-changing population needs, economic and 21st century issues.*

## **Draft Minutes**

### **Present:**

**State Board of Education (SBE):** Krista Huling, Chair; William Mathis, Vice Chair; Mark Perrin; Peter Peltz; John O'Keefe (arrived at 8:50 a.m.); Callahan Beck; John Carroll; Oliver Olsen; Stacy Weinberger; Dan French.

**Agency of Education (AOE):** Donna Russo-Savage, Emily Simmons, Brad James, Ted Fisher, Suzanne Sprague.

**State Board of Education Staff:** Tom Little, Legal Counsel

**Others:** Harry H. Miller, Craftsbury; John Smith, OSSU; Mary Lou Rylands-Isaacson; David Clark, Alliance of Vermont; Jack Bryar, Windham NE SU; David Major, Westminster; Joanne LeBlanc, OSSU; Mike Bailey, Central Vermont SU; Jeff Francis, VSA; Jay Nichols, VPA; Mark Tucker, Washington NE SU; Grant Reynolds, Mill River School Board; Kerry Amidon, Vernon School Board; Lola Duffort, VTDigger; Howard Weiss-Tisman, VPR; Victoria Von Hessert, Lakeview/Greensboro; Jackie Wilson, BRSU; Chris Pratt, WNESU; Chris Kibbe, WNESU; Bruce Wells, OESU.

### **Item A: Call to Order**

Chair Huling called the meeting to order at 8:36 a.m. She asked Board members to introduce themselves. There were no amendments to the agenda.

### **Item B: Welcome**

Chair Huling introduced Superintendent Younce. He welcomed the Board to the Mill River High School. Chair Huling thanked Superintendent Younce for hosting the State Board of Education.

### **Item C: Public to be Heard**

The following people spoke to the Board on Act 46.

Harry H. Miller, Craftsbury  
David M. Clark, WNESU  
Jack Bryar, Grafton, BFUHS, WNESU  
David Major, Westminster

Kerry Amidon, Vernon  
Victoria Von Hessert, Greensboro

**Item D: State Plan review of Proposals (#22-#33)**

Chair Huling explained that this grouping covers town districts which are responsible for PreK-12 and union districts that are not exempt from merger. She read a description from the Secretary's proposed State Plan. Chair Huling said that the Secretary's proposed State Plan recommends merger of governance structures between Cabot and Danville to a single unified district and placement of the new single district into Caledonia Central SU. She added that the Secretary's proposed State Plan recommends merging Twinfield with one or more other districts and/or moving it to a larger SU when uncertainties in the region are resolved.

Chair Huling asked for discussion on Cabot and Danville. She said that the Cabot school building requires maintenance and in order to pass their budget, Cabot had to cut art, music and athletics. Act 46 was designed to help make schools more sustainable. Cabot students are not receiving the same opportunities given to other students. Carroll said Cabot is unstable and faces several difficult challenges and a merger would place a lot of burdens on Danville. Chair Huling stated that Danville said they want to be good partners and neighbors. Peltz added that Danville made it clear that they would not accept Cabot unless grades 9-12 were closed and that perhaps the best solution is to merge them into the same SU and allow them to work out their differences in time. Discussion followed regarding the Cabot building requiring repairs, creating a merger that disadvantages both districts, lack of opportunities for Cabot students, adults working together and assistance beyond Act 46.

Chair Huling said that in Cabot's section 9 proposal it was their intent to recruit students from outside the country but that students who come to the U.S. for schooling are most often looking to improve their test scores for college and Cabot is more about project-based learning and a holistic approach to education. Secretary French said that the issue is whether it is practicable to merge and that the problem is the timing. He offered that it may be more prudent to put Cabot and Danville into the same SU and allow time for them to work on a merger.

Chair Huling asked for a motion on whether the Board agrees with the Secretary's proposal. Carroll asked what the Board does if the vote fails and the two districts are not merged. Chair Huling said that the Board would take up the issue as part of the SU boundary changes.

Olsen offered the following motion: "For the reasons articulated in the Secretary of Education's June 1, 2018 proposed Statewide Education Governance Plan's proposal for the Cabot and Danville School Districts, I move that the Board provisionally: (i) find that the proposal satisfies and meets the requirements of Act 46, as amended, our Rules and other applicable law, and (ii) approve the Secretary's proposal for those School Districts, subject to final approval by the Board after further review and deliberation prior to November 30, 2018." Perrin seconded. Discussion followed regarding the Secretary's proposal not being practicable, confusion in the motion wondering if it includes both parts of the Secretary's motion and Twinfield being left out of the motion. Weinberger asked French to explain what he envisions would happen with these districts. French offered that he believes the Cabot School will close and he is in favor of moving Cabot and Danville into the same SU, believing that will act as a catalyst to begin the

necessary conversations. Olsen said that he feels that Twinfield should be a separate discussion and it was his intent to exclude it from the motion that is currently on the table. Huling called for a vote. The motion failed. O'Keefe voted yea.

Chair Huling asked for Secretary French's input on Twinfield. Secretary French said he believes that the Washington Northeast SU should be dissolved as part of the process and that he would recommend assigning Cabot and Twinfield to Caledonia Central SU.

Chair Huling called for a break at 9:28 a.m. so that Olsen, Perrin and Weinberger could work on a motion. The meeting reconvened at 9:39 a.m.

Chair Huling asked for a motion. Weinberger stated that she would move the discussion to Item F. Chair Huling said that the discussion will continue at Item F which is the item where the Board did not agree with the Secretary's proposal for one or more districts.

Chair Huling began discussion on the Craftsbury School District. She read the Secretary's proposed recommendation which states the Secretary believes that it is not practicable to require merger at this time, and the Secretary does not propose that the State Board merge the Craftsbury School District with another district or group of districts in the region in the Statewide Plan. Chair Huling said that SU boundaries can be redrawn to place it in another SU.

Mathis made a motion: "For the reasons articulated in the Secretary of Education's June 1, 2018 proposed Statewide Education Governance Plan's proposal for the Craftsbury School District, I move that the Board provisionally: (i) find that the proposal satisfies and meets the requirements of Act 46, as amended, our Rules and other applicable law, and (ii) approve the Secretary's proposal for that School District, subject to final approval by the Board after further review and deliberation prior to November 30, 2018." Weinberger seconded. Discussion followed that Craftsbury stands alone and the Board has authority to adjust SU boundaries at a later time. The motion passed unanimously.

Chair Huling began discussion on Elmore-Morristown UUSD and Stowe SD. She read the Secretary's proposed recommendation which states that the Secretary believes that it is not practicable to require merger at this time because it would not advance the goals of Act 46. Perrin said that he has not found a reason to agree with the Secretary's proposal and said they are already in the same SU. O'Keefe, Carroll and Mathis agreed with Perrin. O'Keefe said that this proposed recommendation has received a lot of criticism.

Perrin made a motion: "For the reasons articulated in the Secretary of Education's June 1, 2018 proposed Statewide Education Governance Plan's proposal for the Elmore-Morristown UUSD and Stowe School District, I move that the Board provisionally: (i) find that the proposal satisfies and meets the requirements of Act 46, as amended, our Rules and other applicable law, and (ii) approve the Secretary's proposal for those School Districts, subject to final approval by the Board after further review and deliberation prior to November 30, 2018." Beck seconded the motion. Discussion followed regarding a missed opportunity by not merging, a lot of time already given and the successful Elmore-Morristown merger which allowed Elmore to be a

viable school. The motion failed unanimously. Chair Huling moved further discussion to Item F.

Chair Huling began discussion on Enosburgh SD and Richford SD. She read the Secretary's recommendation which states that the Secretary believes that the best means of meeting the Act 46 Goals – for each district individually and for the region – is for the State Board of Education to merge the governance structures of the Enosburgh School District and the Richford School District into a single unified union school district that provides for the education of its PreK-12 students by operating multiple schools. Vice Chair Mathis said that there are debt inequalities. Chair Huling said that Brad James, Agency of Education's Finance Manager, provided the group with a handout that includes all the indebtedness by district. She refreshed the Board on the situation with both districts and the Franklin Northeast SU. Chair Huling said that the communities were concerned that their high school would close, that it is a high trauma area with a lot of drug use and bussing issues. Discussion followed regarding votes, any decision in the area affects another, debt issues with articles of agreement and State Board communication to the General Assembly that some districts will need help.

Chair Huling asked Secretary French for input on how the AOE can assist the regions to make the mergers successful. Secretary French said that the AOE is focused on supporting the Board in its final decision and final plan. The AOE is spending time to plan what will be necessary and to seek partnerships with other agencies and organizations to figure it out quickly and be equipped to supply technical support where it is needed. Discussion followed regarding the law's timeline being enough time, not allowing the date to alter decision making, the merit to making recommendation to the General Assembly, SU boundary adjustments and school boards taking provisional votes as a cue to move forward. Chair Huling asked for a motion.

Olsen made a motion: "For the reasons articulated in the Secretary of Education's June 1, 2018 proposed Statewide Education Governance Plan's proposal for the Enosburgh and Richford School Districts, I move that the Board provisionally: (i) find that the proposal satisfies and meets the requirements of Act 46, as amended, our Rules and other applicable law, and (ii) approve the Secretary's proposal for those School Districts, subject to final approval by the Board after further review and deliberation prior to November 30, 2018." O'Keefe seconded the motion. The motion passed. Mathis voted nay.

Chair Huling called for a break at 10:16 a.m.

Chair Huling called the meeting back to order at 10:29 a.m.

Chair Huling began conversation on Fairfax SD, Fletcher SD and Georgia SD. She read the Secretary's proposal which stated the Secretary believes that it is not practicable to require merger at this time, the Secretary does not propose that the State Board merge the Fairfax School District, the Fletcher School District, or the Georgia School District with another district to create one or more unified union school districts in the statewide plan. Chair Huling said that they are surrounded by districts, under that law, that are exempt from the plan because they have already merged. Discussion followed regarding geography and using the same rationale as the islands and to keep SDs as proposed.

Mathis made a motion: “For the reasons articulated in the Secretary of Education’s June 1, 2018 proposed Statewide Education Governance Plan’s proposal for the Fairfax, Fletcher and Georgia School Districts, I move that the Board provisionally: (i) find that the proposal satisfies and meets the requirements of Act 46, as amended, our Rules and other applicable law, and (ii) approve the Secretary’s proposal for those School Districts, subject to final approval by the Board after further review and deliberation prior to November 30, 2018.” Olsen seconded the motion. The motion passed unanimously.

Chair Huling began conversation on Hartland SD and Weathersfield SD. She read the Secretary’s proposed plan which stated that the Secretary believes that it is not practicable to require merger at this time because it would not advance the goals of Act 46, and the Secretary did not propose that the State Board merge the Hartland School District and the Weathersfield School District into a unified union school district in the statewide plan. Chair Huling said that the Secretary’s report noted in one location that the merger is both possible and practicable but then argued against it. Chair Huling asked Secretary French for input. Secretary French said that their different tuitioning patterns in opposite directions makes it less practicable. He added they do reside in the same SU. Carroll said he is confused by the recommendation and that the same rationale could be used for a number of other proposals. He added that it is a missed opportunity. Olsen said that they are not contiguous and are oriented in different directions so the kids attend different schools. Discussion followed on doing no harm to children, bringing the adults together, clarifying operating structures and not merging unlike structures. Chair Huling said that the Board could redraw SU boundaries.

Chair Huling stated there was a motion on the table to accept the Secretary’s recommendation and asked if there was any further discussion. Secretary French said that the overall goal of Act 46 is to create a more sustainable governance structure and perhaps if merged it will create a more sustainable SU structure. Perrin said there is nothing to be gained other than following the letter of the law. Chair Huling said the Secretary’s recommendation indicates that if merged there is a possibility of intra-district elementary choice for students. Weinberger stated that she wished the statement in the Secretary’s proposed plan that indicated the merger was both possible and practicable had been omitted. Olsen suggested making an amendment to the motion to indicate the merger is not practicable. Carroll noted that the actual recommendation reads it is not practicable. It is noted that the Board does not agree with and considers the wording of the statement in the Secretary’s proposal, “Merger of the Hartland and Weathersfield School Districts is both “possible” and “practicable” as an error. Secretary French stated that the report does not include an error because technically the two districts can be merged. The minutes should reflect Board disagreement with the statement.

The vote was unanimous to approve the Secretary’s recommendation, although there had not been a motion and a second prior to the vote.

Chair Huling began conversation on Montgomery SD. She read from the Secretary’s proposal which stated that the Secretary believes that the best means of meeting the Act 46 Goals – for each district individually and for the region – is for the State Board of Education to merge the governance structures of the Montgomery School District and the Franklin Northeast PK-8

Unified Union School District (now renamed the Northern Mountain Valley UUSD), acknowledging that the UUSD's voter-approved articles of agreement granted advance acceptance to Montgomery's membership. Discussion followed on Montgomery doing well, geography and having the same operating structure as Bakersfield, Berkshire and Sheldon.

Peltz made a motion: "For the reasons articulated in the Secretary of Education's June 1, 2018 proposed Statewide Education Governance Plan's proposal for the Montgomery School District, I move that the Board provisionally: (i) find that the proposal satisfies and meets the requirements of Act 46, as amended, our Rules and other applicable law, and (ii) approve the Secretary's proposal for that School District, subject to final approval by the Board after further review and deliberation prior to November 30, 2018." Weinberger seconded the motion. Discussion followed regarding no vote needed and protection for small schools in articles of agreement. The motion passed. Beck, Carroll and Mathis voted nay. O'Keefe voted present.

Chair Huling began conversation on Sheldon SD. She read from the Secretary's proposal which stated that the Secretary believes that the best means of meeting the Act 46 Goals – for each district individually and for the region – is for the State Board of Education to merge the governance structures of the Sheldon School District and the Franklin Northeast PK-8 Unified Union School District, acknowledging that the UUSD's voter-approved articles of agreement granted advance acceptance to Sheldon's membership if merger was required by the statewide plan. Chair Huling said that Sheldon would be moved into a new SU. Discussion followed regarding where students attend high school and moving the students into a district where a large number of students attend. Secretary French said that with Sheldon moving to Franklin Northeast SU then Franklin Northwest SU becomes a preferred structure which creates a more sustainable structure. Further discussion followed regarding geographic issues.

Peltz made a motion: "For the reasons articulated in the Secretary of Education's June 1, 2018 proposed Statewide Education Governance Plan's proposal for the Sheldon School District, I move that the Board provisionally: (i) find that the proposal satisfies and meets the requirements of Act 46, as amended, our Rules and other applicable law, and (ii) approve the Secretary's proposal for that School District, subject to final approval by the Board after further review and deliberation prior to November 30, 2018." Weinberger seconded the motion. Discussion followed regarding Sheldon's preference to remain a single district and remaining in the Franklin Northwest SU, larger conversation around curriculum, creating a 3x1 structure and the law, striving for preferred solution and improving test scores. Secretary French reminded the Board that their task is to merge down to the least number of districts practicable and meeting the goals of the law. He added that were several incentives offered for districts to merge on their own. The motion passed. Carroll and Mathis voted nay.

Chair Huling began conversation on Stamford SD. She read from the Secretary's plan which stated that in light of efforts to create an interstate school district and out of respect for the Legislature's decision to provide the districts with this opportunity to merge voluntarily, the Secretary makes no recommendation regarding the governance structure of the Stamford School District at this time so that the Agency does not insert itself into community discussions and potential votes of the electorate. The Secretary anticipates that the State Board will review and may potentially address the governance structure of this district in its final statewide plan.

Chair Huling stated that Stamford is looking to merge with a Massachusetts school district and an interstate agreement requires approval from the Vermont Legislature and Congress. Secretary French said Massachusetts has appropriated funds to this agreement and that as of today it is moving forward. Olsen said that the congressional approval requirement is a slow process and it would be inadvisable to disrupt it.

Olsen made a motion: "For the reasons articulated in the Secretary of Education's June 1, 2018 proposed Statewide Education Governance Plan's proposal for the Stamford School District, I move that the Board provisionally: (i) find that the proposal satisfies and meets the requirements of Act 46, as amended, our Rules and other applicable law, and (ii) approve the Secretary's proposal for that School District, subject to final approval by the Board after further review and deliberation prior to November 30, 2018." Carroll seconded the motion. The motion passed unanimously.

Chair Huling began discussion on Waits River Valley USD. She read from the Secretary's plan which stated that because the Secretary believes that it is not practicable to require merger at this time, the Secretary does not propose that the State Board request either the Echo Valley Community School District or the First Branch Unified School District to accept the Waits River Valley Union School District as a member. Chair Huling said they are a member of Orange East SU which struggles to meet the goals of Act 46. Secretary French said that he would keep Waits River SD as is. He added he does not think there is an obvious solution educationally or one consistent with the goals of the law. Chair Huling said that public comment received from Paine Mountain SD was that they do not want Waits River SD added to their SU but are open to the possibility if financial help and an extended timeline was allowed. She said it would require a vote. Discussion followed regarding substantive performance gap, redrawing SU boundaries and difficulties with centralization with Orange East SU.

Perrin made a motion: "For the reasons articulated in the Secretary of Education's June 1, 2018 proposed Statewide Education Governance Plan's proposal for the Waits River Union School District, I move that the Board provisionally: (i) find that the proposal satisfies and meets the requirements of Act 46, as amended, our Rules and other applicable law, and (ii) approve the Secretary's proposal for that School District, subject to final approval by the Board after further review and deliberation prior to November 30, 2018." Beck seconded the motion. The motion passed unanimously.

**Item F: State Plan Review of Proposals (#11, 12, 14 and 15)**

Chair Huling said that this section is a group of proposals on which the Board does not agree with the Secretary's proposed plan. She said that Cabot, Danville, Twinfield, Elmore-Morristown and Stowe are now in this group as well.

Chair Huling began with Cabot and Danville. She said that she needs a motion that is contrary to the Secretary's proposal.

Chair Huling called for a two-minute recess at 11:28 a.m. for work on the motions. The meeting reconvened at 11:39 a.m.

Olsen made a motion: "I move that the Board depart from the Secretary of Education's June 1, 2018 proposed Statewide Education Governance Plan's merger proposal for the Danville and Cabot School Districts, and in lieu thereof provisionally: find that the proposal does not satisfy or meet the requirements of Act 46, as amended, our Rules and other applicable law, subject to a final decision by the Board after further review and deliberation prior to November 30, 2018. The reasons for the Board's action to provisionally not approve this merger are as follows:

"The proposed merger is not practicable because at this time there are significant obstacles to achieving the goals of Act 46, as amended, as outlined in the Secretary's report, as described by the affected communities, and as articulated by the Board in today's discussions." Peltz seconded the motion. Discussion followed regarding the word "reject" instead of "depart", alternative plan versus default to the district remaining the same, adjusting supervisory union boundaries, being clear in the final plan about each district and the Board's purview to review the Secretary's proposed plan and not to approve or reject section 9 proposals. Olsen withdrew his motion in order to perfect the language. Secretary French read the law and Board's authority. Lengthy discussion followed regarding clarifying all plans, section 9 proposals, actions taken, remaining districts versus all districts, Board's purview. Secretary French further clarified the law. Discussion continued regarding section 9 proposals, State Board Rule 3440.6, governance structures and boundaries, adhering to the goals of the law, the legal authority of the Board, mergers being possible and practicable and redrawing SU boundaries. Olsen said he will have a motion after lunch.

Chair Huling said that the Board rejected the Secretary's proposed plan for Elmore-Morristown UUSD and Stowe SD and other districts with the same structures were merged. She observed that the Board's decision should show consistency. Olsen said that he recollected a previous Board discussion regarding the recent merger activity with Elmore-Morristown UUSD and that there would be no further disruption. Chair Huling said that the earlier merger activity took place in 2015 and was for 19 students which made the school more viable. She added the consensus of the Board was that it was a small merger. Chair Huling said that the motions need to be clear and to identify why the Board voted the way that it did. She said the next step would be to articulate a different plan for the district.

Chair Huling asked for a review of discussion for Bellows Falls UUSD, Athens, Grafton, Rockingham and Westminster which was voted down at the previous meeting. Carroll said that the motions should explain why the merger is not practicable and list the reasons. Olsen said they should be consistent. Secretary French said that they should be consistent with the goals of the law. Chair Huling reminded the Board the Secretary's proposed plan believed the size made the merger not practicable. Secretary French said that Athens and Grafton have a joint contract which meant the districts were working together. He continued there was hope that the two districts would present a formal proposal and they did not. Chair Huling said there is conflicting language in the Secretary's proposed plan indicating a merger is possible and practicable and also not practicable - which split the Board. She said that the Board must articulate in a motion why it voted the way it did.

Chair Huling started the discussion on the Hazen UHSD and its member districts. She reminded the Board that the Secretary's proposed plan said it was not practicable to merge

because it would not enhance the goals of Act 46. Chair Huling said that the Board's motion needs to articulate the reasons why it voted the way it did. Weinberger said that it would be helpful to group the districts that the Secretary's proposed plan said to merge and on which the Board voted no, and the districts that the Secretary's proposed plan said to not merge and where the Board voted yes. Chair Huling said they will be grouped and further discussed after lunch.

Chair Huling called for lunch recess at 12:29 p.m.

Chair Huling called the meeting back to order at 1:21 p.m.

Chair Huling separated the mergers into groupings where the Secretary recommended merger and the Board disagreed. The districts are Cabot, Danville and North Country. The districts where the Secretary recommended no merger and the Board disagreed were Elmore-Morrystown, Stowe, Bellows Falls and Hazen.

Olsen made a motion: "I move that the Board provisionally (i) not approve the Secretary of Education's June 1, 2018 proposed Statewide Education Governance Plan's merger proposal for the Danville and Cabot School Districts and (ii) find that the proposal does not satisfy or meet the requirements of Act 46, as amended, our Rules and other applicable law, subject to a final decision by the Board after further review and deliberation prior to November 30, 2018. The reasons for the Board's action to provisionally not approve this merger are as follows:

"The proposed merger is not practicable because at this time there are significant obstacles to achieving the goals of Act 46, as amended, obstacles as outlined in the Secretary's report, as described by the affected communities, and as articulated by the Board in today's discussions." Carroll seconded the motion. The motion passed. O'Keefe voted nay.

Olsen made a motion: "I move that the Board provisionally (i) not approve the Secretary of Education's June 1, 2018 proposed Statewide Education Governance Plan's merger proposal for the North Country UHSD, Brighton, Charleston, Derby, Holland, Jay, Lowell, Morgan, Newport City, Newport Town, Troy and Westfield School Districts and (ii) find that the proposal does not satisfy or meet the requirements of Act 46, as amended, our Rules and other applicable law, subject to a final decision by the Board after further review and deliberation prior to November 30, 2018. The reasons for the Board's action to provisionally not approve this merger are as follows:

"The proposed merger is not practicable because at this time there are significant obstacles to achieving the goals of Act 46, as amended, obstacles as outlined in the Secretary's report, as described by the affected communities, and as articulated by the Board in its discussions." Perrin seconded the motion. Chair Huling said that in her opinion, Act 46 does not address the complexity in the North Country. Secretary French said the area needs a larger systems consolidation. The motion passed. O'Keefe voted nay.

Chair Huling said the next section are the groupings where the Secretary recommended no merger and the Board disagreed. She read the draft language for the motion: I move that the

Board provisionally (i) not approve the Secretary of Education’s June 1, 2018 proposed Statewide Education Governance Plan’s proposal to not merge the \_\_\_\_\_ and \_\_\_\_\_ School Districts and (ii) find that the proposal does not satisfy or meet the requirements of Act 46, as amended, our Rules and other applicable law, subject to a final decision by the Board after further review and deliberation prior to November 30, 2018. The reasons for the Board’s action to provisionally disagree with the Secretary and instead to approve this merger are as follows:

The merger is in fact practicable because the obstacles or concerns described by the Secretary and by the affected communities are not significant impediments to a merger; merger would achieve the goals of Act 46, as amended; and for reasons articulated by the Board in today’s discussions.

Chair Huling asked for a motion for the Elmore-Morristown UUSD and Stowe SD. Olsen said that no reasons have been given to support why the merger is practicable and to deviate from the Secretary’s recommendation. Carroll said that the Board must articulate its reasons in the same manner as the Secretary’s proposed plan. Chair Huling read the wording from the Secretary’s proposal, “not only is merger of the EMUU and Stowe Districts “possible” and “practicable” in this instance, but the unified district would also be of a size sufficient to support the functions of an SU, thereby creating what the Legislature has determined to be a “preferred structure” and use the language in the motion. She added that the Secretary’s recommendation further stated that, “although the two districts are relatively large by Vermont standards and although they are and have been working hard to collaborate, it is difficult to ignore the Legislature’s presumption that a UUSD that is large enough to be its own single-district SU is the “preferred structure” – the most likely to meet or exceed the Act 46 goals in a sustainable way.” Chair Huling said that it appears the Board is in agreement with the Secretary’s analysis that a merger is possible and practicable and that the 2015 merger of Elmore and Morristown is not a barrier.

O’Keefe made a motion: “I move that the Board provisionally (i) not approve the Secretary of Education’s June 1, 2018 proposed Statewide Education Governance Plan’s proposal to not merge the Elmore-Morristown UUSD and Stowe School Districts and (ii) find that the proposal does not satisfy or meet the requirements of Act 46, as amended, our Rules and other applicable law, subject to a final decision by the Board after further review and deliberation prior to November 30, 2018. The reasons for the Board’s action to provisionally disagree with the Secretary and instead to approve this merger are as follows:

“The merger is in fact practicable because the obstacles or concerns described by the Secretary and by the affected communities are not significant impediments to a merger; merger would achieve the goals of Act 46, as amended; and for reasons articulated by the Board in its discussions.” Weinberger seconded the motion. Chair Huling asked that it be on the record that the Board did look at the Secretary’s proposed plan and agreed with the first part on page 147 referencing the language that reads it is possible and practicable. Russo-Savage said that Stowe did not have a 706 study committee and did submit a joint section 9 proposal with EMU. Chair Huling said the proposal showed they worked closely together but did not want to merge.

Weinberger said there has been enough time for them to consider adding something new. The motion passed. Olsen voted nay.

Chair Huling began discussion on Bellows Falls and its member districts. She said that the Secretary's proposed plan has a typo and Rockingham should read K-8 and not K-6. Chair Huling said there is contradictory language in the Secretary's proposed plan. The first reads, "the Secretary believes that it is not practicable to require merger at this time because it would not advance the goals of Act 46 ... the Secretary does not propose that the State Board merge the Athens, Grafton, and Westminster Districts in the statewide plan." The second reads, "A merger of the Athens, Grafton, and Westminster Elementary Districts would be "possible" and "practicable," simplify the existing structures by replacing four boards with one, and facilitating resource sharing and elementary school choice among the three schools. Given the small size of Athens and Grafton, combining the ADMs of the Athens, Grafton, and Westminster Elementary Districts would likely provide some relief from tax rate fluctuations for Athens and Grafton but have little impact on Westminster." The Board expressed disagreement with the Secretary's recommendation.

Peltz made a motion: "I move that the Board provisionally (i) not approve the Secretary of Education's June 1, 2018 proposed Statewide Education Governance Plan's proposal to not merge the Athens, Grafton and Westminster School Districts and (ii) find that the proposal does not satisfy or meet the requirements of Act 46, as amended, our Rules and other applicable law, subject to a final decision by the Board after further review and deliberation prior to November 30, 2018. The reasons for the Board's action to provisionally disagree with the Secretary and instead to approve this merger are as follows:

"The merger is in fact practicable because the obstacles or concerns described by the Secretary and by the affected communities are not significant impediments to a merger; merger would achieve the goals of Act 46, as amended; and for reasons articulated by the Board in its discussions." Perrin seconded the motion. The motion passed. Olsen voted nay.

Chair Huling began the conversation on Hazen and its member districts. She read from the Secretary's proposed plan which stated that, "because the Secretary believes that it is not practicable to require merger at this time because it would not advance the goals of Act 46, the Secretary does not propose that the State Board merge the Hardwick Elementary District and the Woodbury Elementary District in the statewide plan." Chair Huling said that Lakeview falls in the category of K-6 and should be included.

Olsen made a motion: "I move that the Board provisionally (i) not approve the Secretary of Education's June 1, 2018 proposed Statewide Education Governance Plan's proposal to not merge the Hardwick, Lakeview and Woodbury School Districts and (ii) find that the proposal does not satisfy or meet the requirements of Act 46, as amended, our Rules and other applicable law, subject to a final decision by the Board after further review and deliberation prior to November 30, 2018. The reasons for the Board's action to provisionally disagree with the Secretary and instead to approve this merger are as follows:

“The merger is in fact practicable because the obstacles or concerns described by the Secretary and by the affected communities are not significant impediments to a merger; merger would achieve the goals of Act 46, as amended; and for reasons articulated by the Board in its discussions.” Carroll seconded the motion. Peltz recused himself from the vote because he resides in one of the districts being discussed. Secretary French asked Russo-Savage to explain Greensboro. Russo-Savage said that when a PreK – 12 district is created statute provides that the merging districts automatically dissolve. It is not the case for a union high school or a union elementary school because the underlying district still exists as non-operating. Greensboro is a member of the Lakeview UESD and the Hazen UHSD. Russo-Savage assumed that Pre-K was included in the structure of Lakeview but in fact Greensboro remains a separate district because it pays tuition for Pre-K. She reminded the Board that Stannard would be included for its PreK-6. Stannard would continue to exist because it pays tuition for its grades 7-12. Discussion followed regarding clarifying and understanding the Greensboro district. Chair Huling invited Superintendent LeBlanc to address the Board to help them understand the different configurations. LeBlanc said that Greensboro is responsible for PreK. Stannard is responsible for PreK and secondary tuition for grades 7-12. Lakeview serves K-6. Discussion followed regarding PreK and towns being authorized to operate and pay tuition for PreK and all districts having the same structure for PreK.

Chair Huling called for a recess at 2:06 p.m.

The meeting reconvened at 2:16 p.m.

Olsen made a motion: “I move that the Board provisionally (i) not approve the Secretary of Education’s June 1, 2018 proposed Statewide Education Governance Plan’s proposal to not merge the Lakeview Union Elementary School District, the Greensboro School District, the Hardwick School District, the Stannard School District (but not including Grades 7-12), and the Woodbury School District, and (ii) find that the proposal does not satisfy or meet the requirements of Act 46, as amended, our Rules and other applicable law, subject to a final decision by the Board after further review and deliberation prior to November 30, 2018. The reasons for the Board’s action to provisionally disagree with the Secretary and instead to approve the merger of these districts are as follows:

“The merger is in fact practicable because the obstacles or concerns described by the Secretary and by the affected communities are not significant impediments to a merger; merger would achieve the goals of Act 46, as amended; and for reasons articulated by the Board in its discussions.” Chair Huling asked if there was a prior motion on the table. Olsen said no. There was a motion on the table. Carroll seconded the new motion. The motion passed.

Chair Huling asked if any other provisional decisions need to be revisited. She confirmed that the Board has reviewed all proposals in the plan. Carroll said the Board has demonstrated that it is capable of thinking for itself. Peltz said that it is significant and historic work. Olsen thanked the Chair for helping the Board work through a challenging process. He suggested that the members of the public continue to send in their comments.

### **Item G: Discussion on Supervisory Union Boundaries**

Chair Huling began discussion on the adjustment of supervisory union boundaries and indicated the Board may need to take provisional votes on this topic as well. She referred the Board to the map of Vermont that was supplied to assist them in understanding the boundaries. Chair Huling read from the Secretary's proposed plan on pages 187 and 188. The plan listed areas that may require a change. Chair Huling said the Board both agrees and disagrees with the changes contained in the plan.

Chair Huling started with suggesting eliminating Grand Isle SU and assigning the three districts to two new SUs. Olsen suggested leaving it alone for now and focusing the Board's attention on the areas where the provisional votes warrant a change. O'Keefe wondered if the exercise is urgent. Secretary French said some are more than others. Chair Huling said that the Board needs to be aware of boundaries and how they overlap and to consider the different counties and how they work with the Department of Mental Health and that it is a much larger conversation.

Chair Huling asked about assigning the St. Johnsbury District to Caledonia Central or Kingdom East. Olsen said St. Johnsbury is a preferred district and suggested the Board move on. Chair Huling moved on since there was not a motion offered.

Chair Huling asked about eliminating Orleans Southwest SU and the plan offered some suggestions. Secretary French said it would be impracticable to force a merger change and new boundaries at the same time. He encouraged the Board to leave this one alone.

Chair Huling asked about redrawing SU boundaries around Barre SU, Montpelier-Roxbury SD, Twinfield UUSD and Washington Central SU. Discussion followed regarding the upcoming vote. Secretary French recommended that Twinfield be assigned to Caledonia Central SU and the Washington Northeast SU be dissolved. There was no motion.

Chair Huling asked about assigning Thetford District to White River Valley SU or creating an SU with Thetford, Strafford, Sharon, Norwich and Rivendell Districts as members. Secretary French said this requires more study.

Chair Huling asked about creating an SU with Windsor Central SU and Two Rivers SU. Secretary French said this requires more study.

Chair Huling asked about creating an SU with the Hartford and Hartland Districts and another SU with Springfield, Windsor/West Windsor and Weathersfield Districts. Secretary French said that there are other issues to be considered other than size, such as mental health issues.

Chair Huling asked about assigning the districts of the Windham Northeast SU to another SU. Olsen said it is on the I 91 corridor and wondered if it could work with the Windham Southeast SU. Secretary French said it deserves more study and that it is not as simple as it might appear.

Chair Huling asked about assigning the Arlington and Sandgate Districts to the Bennington-Rutland SU and assigning the Stratton District to the Bennington-Rutland SU or the Winhall District to the Windham Central SU. Olsen suggested moving Sandgate and Arlington into the Southwest Vermont SU and moving Stratton into the Bennington-Rutland SU. He explained that moving Arlington into Bennington-Rutland will provide the SU with a public high school. Olsen said Stratton is in the Windham Central SU and Winhall used to be in Windham Central until the Board moved it to Bennington-Rutland at its request. He is confused as to why it should go back. Olsen said that both Stratton and Winhall students attend schools in Bennington-Rutland SU. Discussion followed.

Chair Huling asked about assigning the Stamford District and/or the Searsburg District to the Southwest VT SU and assigning all or some of the districts in the Windham Southwest SU to the Windham Central SU. Olsen said there had been conversation on what to do with Windham Southwest and Windham Central. Vernon is in the mix and Olsen wondered about making Brattleboro into an SD or to move forward with an alternative governance structure which leaves Vernon alone. Secretary French said that these are all brainstorming ideas. He said the conversation is premature and should take place after the Board releases its final state plan. Secretary French suggested looking at the forced mergers and making judgements with other agencies on how to redraw boundaries. He added that it is a much larger conversation.

Chair Huling asked about assigning the Marlboro District to the Windham Southeast SU or the Vernon District either to the Windham Central SU or the Windham Southwest SU. She said that Vernon was a member and the town voted to tuition for high school therefore operationally isolating themselves. Olsen said the vote reaffirmed longstanding practice. He said that the Board could either leave the SU with two districts or make it a preferred district and move Vernon to another SU.

Chair Huling asked the Board for its input. Olsen suggested leaving it alone for the time being. Mathis said it requires more study. Chair Huling said that it should be a more systematic approach and use all the resources in the State.

Chair Huling reminded the Board that they must address Sheldon. Russo-Savage said that the Board does not have to vote unless it wants the process to be very clean. She added the default articles of agreement already address the issue and assigns a newly created USD to an SU.

Chair Huling began discussion on Cabot, Danville and Twinfield and reminded the Board of its earlier discussions. She said a motion is needed to create a merger at the SU level. Chair Huling asked the Board how Twinfield will fit into the equation.

Chair Huling asked the Board to think about motions for North Country regarding adjustments to boundaries. She asked Peltz to craft a motion for Sheldon and Perrin and Carroll to craft a motion for Cabot and Danville.

Chair Huling called for a 5-minute recess at 2:57 p.m.

The meeting reconvened at 3:11 p.m.

Chair Huling asked for a motion on Sheldon.

Peltz made a motion: "I make a motion that the Northern Mountain Valley Unified Union School District as enlarged by the provisional decisions of this Board to include the school districts of Montgomery and Sheldon, is assigned to the Franklin Northeast SU pursuant to 16 VSA subsection 706h." Perrin seconded the motion. The vote passed. Carroll and Mathis voted nay. Chair Huling confirmed that Sheldon is merged into the Franklin Northeast SU.

Chair Huling asked for a motion on Cabot, Danville and Twinfield.

Perrin made a motion: "As authorized by Section 261 of Title 16, which states the purpose of moving a school district into a supervisory union as:

"To achieve (a) increased efficiency, including the elimination of a superintendency and related overhead, and also (b) greater convenience for similar reasons,

"I move that the Board provisionally determine to move Twinfield Union S.D. and Cabot S.D. into the Caledonia Central S.U., all subject to the Board's final decision on or before November 30, 2018." Carroll seconded the motion. The vote passed unanimously. Chair Huling said that the districts remain but they are now part of a different SU.

Chair Huling asked Secretary French for input on North Country and how best to meet the needs of Act 46. Secretary French said North Country SU is sparsely populated and a complex structure. He said he is not sure if their needs will be met by consolidation and he did not see a real solution around SU composition. He added that it requires intensive help and time to be able to meet the goals of the law.

Chair Huling said that the Board should discuss Waits River Valley USD. She asked Secretary French for his input. Secretary French said he would keep them as-is and try to stabilize the area. Chair Huling said that conversations are still happening with this district and if Waits River finds a better fit they are welcome to come back before the Board.

Chair Huling called a break at 3:19 p.m.

The meeting reconvened at 3:33 p.m.

#### **Item J: Default Articles of Agreement**

Chair Huling said that as part of Act 49, the Board must adopt default articles of agreements. She invited Russo-Savage to speak, who referred to the handout to explain the drafts to the Board and said that a lot of the draft articles are standard and a few are not. The default articles of agreement reflect the statute as to what should be discussed at the organizational meeting and additionally, drawn from actual articles of agreement passed by voters. She continued that some of the articles are drawn from town clerks who did not know how to handle certain situations which are not in statute. Russo-Savage said the drafts are weighted on the side of small school districts. The draft articles apply if there is a new school district created. She added

that the articles of agreement become valid as soon as the plan is passed. In order to create new articles of agreement the districts would need to go through the 706 process again which would be longer than the 90 days allowed. In contrast, the voters can make amendments to the default articles within 90 days pursuant to Act 49. Russo-Savage discussed and explained each article of agreement.

Article 1 – Creation of New Union District

Article 2 – Grades Operated and/or Tuitioned in Academic Years 2019-2020 and 2020-2021

Article 3 – Attendance; Restructuring of Grade Configurations in Academic Years 2019-2020 and 2020-2021

Article 4 – Closure of School Buildings

Discussion followed regarding Pre-K. Russo-Savage will add a protection for the closure of PreK. Additional discussion followed regarding closure of buildings owned by more than one district, electorate vote to close a school, encouraging best practices, articles of agreement reflect current law.

Article 5 – Finances

Discussion followed regarding transitions of trust and reserve funds and including an end date for incurring debt.

Article 6 – Real and Personal Property

Discussion followed regarding transfer versus convey, selling school property protections and the attorney's final review of Article 6.

Article 7 – Transportation, Employees, and Contracts in Academic Year 2019-2020

Discussion followed regarding who falls under the category and placing an end date where no more contracts are allowed. Russo-Savage to add wording for Board's approval.

Article 8 – Organizational Meeting of New Union District

Discussion followed regarding empowering the Superintendent to choose date and location.

Article 9 – Transitional Board

Discussion followed regarding the specific duties of the transitional board and including wording to indicate the boards of the forming district have the right to appoint and fill any vacancies.

Article 10 – New Union District Board of School Directors – Initial Members

Article 11 - Representation on New Union District Board – On and After the District's Annual Meeting in 2020

Article 12 – Commencement of Operations

Article 13 – Dissolution of Forming Districts; Supervisory Union

Article 14 – Amendments

#### **Item K: Consent Agenda**

Carroll made a motion to adopt the consent agenda. Peltz seconded the motion. The motion passed unanimously.

#### **Item L: Calendar Review**

Chair Huling confirmed the results of the recent Doodle Poll moved the November meeting date to the Thursday, November 15<sup>th</sup>. The meeting location is yet to be determined. She said agenda items will be discussed and may include the Orleans Central SU, Barre SU, review of the Board's provisional decisions, taking action if needed, default articles of agreement, how to

present the plan and reflection on the process. Discussion followed on the final process for release of the plan.

**Adjourn**

Olsen moved to adjourn. Carroll seconded the motion. The vote on the motion was unanimous. The meeting adjourned at 5:05 p.m.

Minutes recorded and prepared by Suzanne Sprague.

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